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10/075,336	02/13/2002	Kenneth Charles Boydston	1560(4000-03400)	8714
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			03/31/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,336	BOYDSTUN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CRISTINA SHERR	3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2009.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 16-18 and 22-35 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This Office Action is in response to Applicant's Amendment filed September 28, 2009. Claims 16-18 and 22-35 are pending in this case. Claims 22, 23, and 24 are currently amended. Claims 25-35 are newly added. Claims 22-35 are under examination.

### ***Election/Restrictions***

2. Claims 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 28, 2009. Accordingly, claims 22-35 are under examination.

### ***Response to Arguments***

3. Applicant's arguments filed January 30, 2009 have been fully considered but they are not persuasive.

4. Applicant argues, regarding claim 22, as amended, that nothing in the cited references teaches, discloses or suggests "capturing the password provided to the source user authenticator, monitoring the source user authenticator for an approval response and populating the target datastore with the captured password upon receipt of an approval response"

5. Examiner respectfully disagrees. Since the password is user authentication data, Blakley discloses capturing the user authentication data provided by the user in response to the source authenticator prompting and using the captured authentication data as the received password/authentication data, (col 11 ln 44-55); monitoring the

source user authenticator for an approval response, (col 8 ln 1-10, col 9 ln 34-67), populating the target datastore with the received authentication data upon receipt by the target datastore of an approval response from the source user authenticator (col 9 ln 34-67). Sampson discloses a method comprising migrating the source user datastore with the source user authenticator to the target datastore with the target user authenticator, (e.g. col5 ln 55-col 6 ln 5, (Registry Server 108 has an Authentication Server Module that manages concurrent access of multiple users or browsers 100 to Registry Repository; col. 7, lines 30-32 and Computer system 700 ... main memory ... dynamic storage device; col. 17, lines 1-15, Registry Repository; col. 6, lines 2-5, col 10 ln 12-60, ),

6. Note that, in claim 22, the recitations "wherein the source datastore comprises . . . source user authenticator", "wherein the interceptor . . identification", constitute nonfunctional descriptive data, and thus do not serve to further limit the claim from the prior art. *In re Gulack*, 217 USPQ 401 (Fed. Cir. 1983), *In re Ngai*, 70 USPQ2d (Fed. Cir. 2004), *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.01 II.

***.Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 22 and 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson et al (US 6,429,624) in view of Blakley, III et al (US 5,832,211).

9. Regarding claim 22 –

10. Sampson discloses a method comprising migrating the source user datastore with the source user authenticator to the target datastore with the target user authenticator, wherein the target user datastore comprises user identification data, and wherein the target user authenticator is in communication with the source user authenticator; (e.g. col. 7, lines 30-32; col. 17, lines 1-15, col. 6, lines 2-5), intercepting, by an interceptor, a request to the source user authenticator from a user seeking access to information protected by the target user authenticator, (col. 10, lines 12-24);

11. Sampson does not specifically disclose prompting the user for an identification, receiving the identification from the user, locating the corresponding identification in the target datastore, and determining whether the target datastore includes a password associated with the identification; searching the target datastore for the user authentication data associated with the identification, wherein upon the determination that there is no user authentication data in the target datastore associated with the identification; allowing the original intercepted request to go through to the source user authenticator, using the source user authenticator to prompt for and receive the identification and a password from the user; capturing the user authentication data provided by the user in response to the source authenticator prompting and using the captured user authentication data as the received user authentication data, monitoring the source user authenticator for an approval response, populating the target datastore with the received user authentication data upon receipt by the target datastore of an

approval response from the source user authenticator, and associating the received authentication data with the corresponding identification.

12. Blakely discloses prompting the user for an identification, receiving the identification from the user, locating the corresponding identification in the target datastore, and determining whether the target datastore includes a user authentication data associated with the identification (col 7 ln 17-35); and searching the target datastore for the user authentication associated with the identification, wherein upon the determination that there is no user authentication data in the target datastore associated with the identification: (e.g. col 11 ln 44-55, col 11 ln 25-67)

allowing the original intercepted request to go through to the source user authenticator, (col 11 ln 25-67)

using the source user authenticator to prompt for and receive the identification and a user authentication data from the user, (col 11 ln 25-67)

capturing the authentication data provided by the user in response to the source authenticator prompting and using the captured authentication data as the received authentication data, col 11 ln 44-55

monitoring the source user authenticator for an approval response, (col 8 ln 1-10, col 9 ln 34-67)

populating the target datastore with the received authentication data upon receipt by the target datastore of an approval response from the source user authenticator, and (col 9 ln 34-67)

associating the received authentication data with the corresponding identification. (col 7 ln 17-35).

13. It would be obvious to one of ordinary skill in the art to combine Sampson and Blakely since both are in the same field in order to facilitate the use of data during the migration phase of the data transfer.

14. Regarding claim 25 –

15. Blakley discloses reading unencrypted data from the source datastore, and converting the unencrypted data to be compatible with the target datastore; and populating the target datastore with the converted data. (col 7 ln 30-60).

16. Note that the recitation "wherein the source . . .authentication data", represents nonfunctional descriptive data, and thus does not serve to further limit the claim from the prior art. *In re Gulack*, 217 USPQ 401 (Fed. Cir. 1983), *In re Ngai*, 70 USPQ2d (Fed. Cir. 2004), *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.01 II.

17. Regarding claim 26 –

18. Blakley discloses authenticating the received identification using the target user authenticator upon determining that the target datastore includes user authentication data associated with the corresponding identification. (col 23 ln 5-35),

19. Regarding claim 27 –

20. Mehring teaches that it is known in the art to provide a receiving a password in a submission from the user after the initial submission of the identification from the user, further including web page in which the user is prompted to input login data. Col. 10, lines

60-67. It would be a predictable result for the webpage to include fields for authentication data. KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007)

21. Regarding claims 28-35 –

22. Note that claims 28-35 recite nonfunctional descriptive data, and as such, is not further limiting thus not serving to further distinguish the claims from the prior art. *In re Gulack*, 217 USPQ 401 (Fed. Cir. 1983), *In re Ngai*, 70 USPQ2d (Fed. Cir. 2004), *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.01 II.

23.

24. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson et al (US 6,429,624) in view of Blakley, III et al (US 5,832,211) further in view of Mehring et al (US 6,609,115).

25. Regarding claim 23:

26. Blakley discloses the claimed invention except for the receiving a user authentication data in a submission from the user after the initial submission of the identification from the user. However, Blakley does disclose the use of a user authentication/password and a corresponding unique account identification number. Col. 7, lines 15-20. Mehring teaches that it is known in the art to provide a receiving a user authentication data/password in a submission from the user after the initial submission of the identification from the user. Col. 10, lines 60-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the password/unique identification element of Blakley with the receiving a user authentication data/password in a submission from the user after the initial submission of the identification

from the user of Mehring, in order to increase the security in accessing data. Further, It would have been obvious to modify the teachings of Blakley, to provide the step of receiving a user authentication/password in a submission from the user after the initial submission of the identification from the user.

27. Regarding claim 24 –

28. Blakley discloses the claimed invention, as discussed above, except for the step of prompting for and receiving the identification and a user authentication/password from the user after the initial submission of the identification from the user. It would have been an obvious to modify the teachings of Blakley to provide the step of prompting for and receiving the identification and a user authentication/ password from the user after the initial submission of the identification from the user.

29. Since the applicant has not disclosed that prompting for and receiving the identification and a user authentication/password from the user after the initial submission of the identification from the user solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Blakley will perform the invention as claimed by the applicant with any means, method, or product to prompting for and receiving the identification and a password from the user after the initial submission of the identification from the user.

30. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Sampson with the security method of Blakley with wherein the action of prompting for and receiving the identification and a user

authentication/password from the user after the initial submission of the identification from the user occurs after determining that the target data store does not include a user authentication/password associated with the identification; and, wherein the action further comprises using the source user authenticator to prompt for and receive the identification and a user authentication/password from the user after the initial submission of the identification from the user of Mehring, in order to authenticate the user requesting the data.

### **Conclusion**

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

32. Leah et al. US 6,986,038 131 TECHNIQUE FOR SYNCHRONIZING SECURITY CREDENTIALS FROM A MASTER DIRECTORY, PLATFORM, OR REGISTRY. Discloses prompting of the user.

33. Lemon US 7,016,953 discloses an HTTP transaction monitor including a servlet that intercepts HTTP requests.

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

35. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

37. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

38. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 3685